

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 32644 of 2007(J)

PETITIONER:

RENCY R.C.,
NON VOCATIONAL TEACHER IN BIOLOGY (SENIOR),
GOVERNMENT VHS SCHOOL, NADACAVU, KOZHIKODE DIST.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY

SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
SMT.A.B.SHRILATHA
SRI.JOVY GEORGE VARGHESE

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. DIRECTOR,
VOCATIONAL HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM, PIN-695 001.
3. JELUSE K.,
NON VOCATIONAL TEACHER IN BIOLOGY (SENIOR),
GOVERNMENT VHS SCHOOL, KALPETTA, WAYANAD DISTRICT,
UNDER ORDERS OF TRANSFER TO GOVERNMENT VHS SCHOOL,
NADAKKAVU, KOZHIKODE DISTRICT, PIN-673011.

BY ADV. SRI.C.P.MOHAMMED NIAS

GOVT. PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE ORDER NO.E4/7637/07 DATED 06-08-2007 OF THE
DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION.

EXT. P2: COPY OF THE ORDER NO.E4/7637/07 DATED 25-10-2007 OF THE
DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION.

RESPONDENT'S EXHIBITS:

EXT. R3(A): COPY OF THE ORDER OF VHSE DEPARTMENT NO:E4/7637/07(16)
DATED 26-07-07.

EXT. R3(B): COPY OF THE REPRESENTATION DATED 9-8-07 TO THE DIRECTOR,
VHSE.

/TRUE COPY/

P.A. TO JUDGE

JP

S. SIRI JAGAN, J.

WP(C).No. 32644 OF 2007 J

Dated this the 7th day of November, 2007.

JUDGMENT

The petitioner challenges Ext.P2 order whereby the petitioner and the 3rd respondent have been mutually transferred. The contention of the petitioner is that the petitioner joined Govt. VHS, Nadakkavu pursuant to Ext.P1 on 8.8.07 and within less than three months petitioner has been transferred by the impugned order only to accommodate the third respondent. The third respondent has filed a counter affidavit stating that she had actually joined Govt. VHS, Nadakkavu on 4.8.07 and she has been transferred by Ext.P1 to accommodate the petitioner and it was pursuant to representation filed by her against that transfer the present order was passed. It is clear that both the transfer orders have been passed without hearing the other side. Therefore, I am of the opinion that the 1st respondent should consider the matter and pass final orders afresh after hearing both the petitioner as well as the 3rd respondent. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN
Judge

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